

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of the Commission's Rules)
to Establish Part 27, the Wireless)
Communications Service)

GN Docket No. 96-228

RECEIVED

MAR 21 1997

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF SECRETARY

To: The Commission

COMMENTS IN SUPPORT OF WCAI
PETITION FOR EXPEDITED RECONSIDERATION

Alliance for Higher Education, Arizona State Board of Regents for Benefit of the University of Arizona, Board of Regents of the University of Wisconsin System, Board of Trustees of Governors State University, California State University, Calnet, Catholic Television Network of the San Francisco Bay Area, Daytona Beach Community College District, Hawkeye Community College, INTELECOM Intelligent Telecommunications, KCTS Television, Lane Community College, Linn-Benton Community College, Network for Instructional TV, New Orleans Educational Telecommunications Consortium, Northeastern Educational Television of Ohio, Inc., the Ohio State University, Oregon State System of Higher Education, Oregon State University, Pasadena Unified School District, Portland State University, Regents of the University of California, Regents of the University of Minnesota, San Diego County Superintendent of Schools, San Diego State University, San Jose State University, Santa Ana Unified School District, Santa Clara County Office of Education, South Carolina Educational

No. of Copies rec'd
List ABCDE

OH

Television Commission, Southern Oregon State College, St. Bernard Parish Schools, St. Louis Community College District, St. Louis Regional Educational and Public Television Commission, State of Wisconsin--Educational Communications Board, University of Maine System, University of Oregon, University of Wyoming, University System of the Ana G. Mendez Educational Foundation, and Western Oregon State College (the "ITFS Parties"), by their counsel, submit these comments in support of the "Petition for Expedited Reconsideration" ("Petition") filed March 10, 1997 in this proceeding by the Wireless Cable Association International, Inc.

The ITFS Parties are public and private universities and university systems, community colleges, school districts, consortia of university campuses and community colleges, public broadcasters and governmental or non-profit educational telecommunications entities. Each is the licensee of one or more ITFS stations providing critical educational services to students and other learners in schools, workplaces and homes. Indeed, among the ITFS Parties are operators of some of the oldest, largest and most innovative and respected ITFS systems in the country. Since 1983, many of the ITFS Parties have participated in Commission proceedings affecting the ITFS service. Their purpose in all cases has been to preserve and enhance the ability of ITFS operators to provide critical educational telecommunications services to their constituents.

The ITFS Parties have not previously commented in the Commission's Wireless Communications Service ("WCS") proceeding in GN Docket No. 96-228 because they were unaware of the interference issue now raised and persuasively demonstrated in the WCAI Petition. Nevertheless, they have now become aware of the potential for widespread and

destructive interference to ITFS receive locations by WCS facilities operating without power limitations, and the ITFS Parties are gravely concerned. They urge the Commission to make clear that WCS operations in the 2.3 GHz band may not cause interference with ITFS stations in the 2.5 GHz band.

The ITFS Parties agree with WCAI that, contrary to the Commission's assertions in the *Report and Order* in GN Docket No. 96-228, many ITFS licensees do not lease excess capacity to wireless cable companies, and many have no imminent plans to convert to digital operations. Also, ITFS licensees generally have no intention and no financial capability to replace their installed base of downconverters. Moreover, the ITFS Parties understand that, without power limitations on WCS operations, it would be impossible for equipment manufacturers to design and offer downconverters that could eliminate interference to their receive locations. The ITFS Parties therefore agree with WCAI that the interference solution offered by the Commission--routine replacement of ITFS downconverters with equipment capable of rejecting interfering signals from high-power WCS operations--will simply not work. The result could be a substantial diminution in service offered by the ITFS Parties' ITFS facilities. That result would be inconsistent with public policy and the public interest.

The ITFS Parties have not independently been able to evaluate specific power limitations for the WCS service. However, they take note of the engineering statements provided by WCAI in its Petition and, in the absence of contrary showings, they support the WCAI position that WCS operations should be limited to 20 watts EIRP.

For the foregoing reasons, the ITFS Parties support the WCAI Petition and urge the Commission expeditiously to reconsider its rules in the WCS service.

-4-

Respectfully submitted,

ALLIANCE FOR HIGHER EDUCATION

ARIZONA STATE BOARD OF REGENTS FOR
BENEFIT OF THE UNIVERSITY OF
ARIZONA

BOARD OF REGENTS OF THE UNIVERSITY
OF WISCONSIN SYSTEM

BOARD OF TRUSTEES OF GOVERNORS
STATE UNIVERSITY

CALIFORNIA STATE UNIVERSITY

CALNET

CATHOLIC TELEVISION NETWORK OF THE
SAN FRANCISCO BAY AREA

DAYTONA BEACH COMMUNITY
COLLEGE DISTRICT

HAWKEYE COMMUNITY COLLEGE

INTELECOM INTELLIGENT
TELECOMMUNICATIONS

KCTS TELEVISION

LANE COMMUNITY COLLEGE

LINN-BENTON COMMUNITY COLLEGE

NETWORK FOR INSTRUCTIONAL TV, INC.

NEW ORLEANS EDUCATIONAL
TELECOMMUNICATIONS
CONSORTIUM

NORTHEASTERN EDUCATIONAL
TELEVISION OF OHIO, INC.

THE OHIO STATE UNIVERSITY

OREGON STATE SYSTEM FOR HIGHER
EDUCATION

PASADENA UNIFIED SCHOOL DISTRICT

PORTLAND STATE UNIVERSITY

REGENTS OF THE UNIVERSITY OF
CALIFORNIA

REGENTS OF THE UNIVERSITY OF
MINNESOTA

SAN DIEGO COUNTY SUPERINTENDENT
OF SCHOOLS

SAN DIEGO STATE UNIVERSITY

SAN JOSE STATE UNIVERSITY

SANTA ANA UNIFIED SCHOOL DISTRICT

SANTA CLARA COUNTY OFFICE OF
EDUCATION

SOUTH CAROLINA EDUCATIONAL
TELEVISION COMMISSION

SOUTHERN OREGON STATE COLLEGE

ST. BERNARD PARISH SCHOOLS

ST. LOUIS COMMUNITY COLLEGE DISTRICT

ST. LOUIS REGIONAL EDUCATIONAL AND
PUBLIC TELEVISION COMMISSION

STATE OF WISCONSIN--EDUCATIONAL
COMMUNICATIONS BOARD

UNIVERSITY OF MAINE SYSTEM

UNIVERSITY OF OREGON

UNIVERSITY OF WYOMING

UNIVERSITY SYSTEM OF THE ANA G.
MENDEZ EDUCATIONAL
FOUNDATION

WESTERN OREGON STATE COLLEGE

By: Todd D. Gray
Todd D. Gray
Their Counsel

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20036-6802
202-776-2000

March 21, 1997

CERTIFICATE OF SERVICE

I, Lisa Rorvig, a secretary at Dow, Lohnes & Albertson, PLLC, hereby certify that a copy of the foregoing Comments in Support of WCAI Petition for Expedited Reconsideration was hand delivered this 21st day of March, 1997 to the following:

Paul J. Sinderbrand, Esq.
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Washington, D.C. 20006
Counsel for WCAI

Auctions Division
Wireless Telecommunications Bureau
Federal Communications Commission
Room 5322
2025 M Street, N.W.
Washington, D.C. 20554
Attn: Josh Roland

Office of Engineering and Technology
Federal Communications Commission
Suite 480
2000 M Street, N.W.
Washington, D.C. 20554
Attn: Tom Mooring

_____